

281.771 Charges against commissioned employees -- Procedure -- Hearing.

- (1) For the purposes of this section, the term "commissioner" means the commissioner of the Department of Motor Vehicle Regulation.
- (2) An employee commissioned pursuant to the provisions of KRS 281.770 shall not be dismissed, demoted, suspended, or otherwise penalized except for cause.
- (3) Any person may prefer charges against a commissioned employee.
- (4) A charge shall be:
 - (a) In writing;
 - (b) Filed with the office of the commissioner;
 - (c) Signed by the person making the complaint; and
 - (d) Set out with clarity and distinction.
- (5)
 - (a) The commissioner shall review the charges.
 - (b) If the commissioner determines that there is probable cause, he shall file charges against a commissioned employee whom he believes is guilty of misconduct that justifies his removal or discipline.
- (6) Within five (5) days of the filing of the charges, the commissioner shall:
 - (a) Personally deliver a copy of the charges to the commissioned employee; or
 - (b) Send a copy of the charges to the commissioned employee by certified mail, return receipt requested.
- (7) Within five (5) days of receipt of the charges, the commissioned employee may:
 - (a) Demand an administrative hearing; or
 - (b) Admit the truth of the charges in whole or in part.
- (8) If the commissioned employee admits the truthfulness of the charges, the commissioner shall dismiss, demote, suspend, or otherwise penalize the employee as warranted by the seriousness of the charges.
- (9) If the commissioned employee denies the charges and demands a hearing within the time specified in subsection (7) of this section, he shall notify the commissioner in writing.
- (10) Upon receipt of the demand for hearing, the commissioner shall arrange for an administrative hearing before a trial board to be constituted as provided in KRS 281.772. The hearing shall be conducted in accordance with KRS Chapter 13B.
- (11)
 - (a) If the commissioner has probable cause to believe that a commissioned employee is guilty of misconduct, he may immediately suspend the employee from duty, or from both pay and duty, pending trial.
 - (b) If an employee is suspended, he shall not be returned to duty or be paid until a final order is rendered by the trial board.
- (12) After hearing the charges, the trial board shall fix the punishment of a commissioned employee found guilty of one (1) or more charges, by:
 - (a) Reprimand;
 - (b) Suspension for a period not to exceed six (6) months;

- (c) Reducing the grade if the commissioned employee's classification warrants it;
- (d) Combining any two (2) or more of the punishments;
- (e) Reducing the monthly salary of the commissioned employee by not more than twenty percent (20%) for not more than six (6) months; or
- (f) Dismissing him from the service of the department.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 204, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 317, sec. 2, effective July 15, 1994.